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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

United States of America,

Plaintiff,

v

Angel Arturo Avendano-Castro,

Defendant.

No. 08-07334-1-M

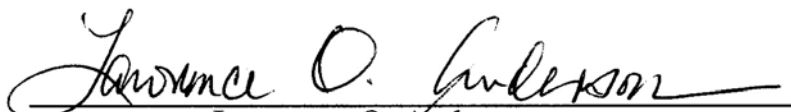
**ORDER**

HAVING considered the Motion of the Defendant to allow the Government additional time under the Speedy Trial Act to file an indictment, which sets forth the Defendant is accused of Conspiracy to Transport Illegal Aliens in violation of Title 8 U.S.C. §1326(a) when, in fact, the correct charge is under Title 8 U.S.C. §1324(a)(1)(A)(ii), together with the Government's Response which also sets forth boilerplate language about defendants who are charged with violations of 8 U.S.C. §1326,

**IT IS ORDERED denying without prejudice** Defendant's Motion to Extend Time to Indict. (docket #21)

The last day to seek a timely indictment in this case is, and remains, September 30, 2008.

DATED this 17<sup>th</sup> day of September, 2008.

  
Lawrence O. Anderson  
United States Magistrate Judge